IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

F.A.O. NO. 3822 of 2006 (O.&M.)
Date of Decision: 26.9.2006

Karnail Singh.

..... Appellant

Versus

Vishavinder Kumar Verma and another.

..... Respondents

CORAM: Hon'ble Mr.Justice Uma Nath Singh
Hon'ble Mr.Justice Mahesh Grover

....

Present: Shri M.K.Chauhan, Advocate for the appellant.

....

Mahesh Grover,J.

The appellant, who was the driver of Motor Cycle bearing registration No. CH-01H-5278 at the time of accident in question, has challenged award dated 9.6.2006 of Motor Accident Claims Tribunal, Panchkula (hereinafter described as `the Tribunal') passed in M.A.C.T. Case No.319 of 2005.

On 17.4.2003, Vishavinder Kumar Verma- respondent no.1 sustained injuries due to rash and negligent driving of the motorcycle in

question by the appellant resulting in permanent disability to him to the extent of 20%. In a claim petition preferred by respondent no.1, the Tribunal awarded a sum of Rs.1,08,784/- as compensation to him under various heads.

The appellant has impugned the award of the Tribunal primarily on two grounds, i.e., (i) the motor cycle was not involved in the accident and (ii) the compensation awarded to respondent no.1 is on higher side.

We have heard the learned counsel for the appellant.

A perusal of the record shows that the appellant had taken contradictory pleas in his written statement. On the one hand, he denied the factum of accident and on the other hand, he stated that the accident had been caused due to negligence of claimant-respondent no.1, who was said to be crossing the road. That apart, the F.I.R. was registered on the same day and the appellant is facing criminal trial which is prima facie indicative of the fact that he and the vehicle in question were involved in the accident. Therefore, the contention raised by the learned counsel on the first plea of the appellant deserves to be repelled.

In so far as the contention of the learned counsel based on the second ground of the appellant is concerned, the same is without any merit as respondent no.1 had established that he had suffered permanent disability to the extent of 20% by proving disability certificate Exhibit P4. Respondent no.1 had suffered fractures on both bones of left lower limb and had remained hospitalised for a considerable long period. The Tribunal has awarded Rs.1,08,784/- as compensation, which, by no stretch of imagination, can be termed to be excessive.

For the foregoing reasons, the appeal is dismissed in limine being devoid of any merit.

(Uma Nath Singh)
Judge

(Mahesh Grover)
Judge

September 26,2006
"SCM"